

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, July 1, 2008

Regular Meeting 6:00 p.m.
Public Hearings 7:00 p.m.
Commission Chambers
Delray Beach City Hall

1. PUBLIC COMMENT: The public is encouraged to offer comments with the order of presentation being as follows: City Staff, public comments, Commission discussion and official action. City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor or presiding officer has discretion to adjust the amount of time allocated.

- A.** Public Hearings: Any citizen is entitled to speak on items under this section.
- B.** Comments and Inquiries on Non-Agenda Items from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- C.** Regular Agenda and First Reading Items: Public input on agendaed items, other than those that are specifically set for a formal public hearing, shall be allowed when agreed by consensus of the City Commission.

2. SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address public hearing or non-agendaed items should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission on an appropriate item. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the podium to speak, please complete the sign-in sheet if you have not already done so.

3. ADDRESSING THE COMMISSION: At the appropriate time, please step up to the podium and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

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The City will furnish auxiliary aids and services to afford an individual with a disability an opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Contact Doug Smith at 243-7010, 24 hours prior to the event in order for the City to accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.

1. **ROLL CALL.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Additional information for Item 9..N., Appointment to the Green Task Force; Item 9.O., Status Report and Direction/Old School Square Garage Retail Space was added to the Regular Agenda by addendum; Item 9.F., Contract/Preferred Seating, Inc. was pulled from the Agenda; and Item 6.C., Recognizing Sister Cities Ambassadors – Ngozi and Rhonda Mensah was added under Proclamations to the agenda by addendum; Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. June 3, 2008 – Regular Meeting (Approved, 5-0)
 - B. June 10, 2008 – Special/Workshop Meeting (Approved, 5-0)
 - C. June 17, 2008 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing Pompey Park Travel Basketball Team and Coaches
 - B. Parks and Recreation Month – July 2008
 - C. Recognizing Sister Cities Ambassadors – Ngozi and Rhonda Mensah (*ADDENDUM*)
7. **PRESENTATIONS:**
 - A. Swearing-In Ceremony of Police Chief Anthony Strianese
 - B. Life Safety Educator of the Year Award – Lieutenant Patricia Dunkelmann
 - C. American Legion Milton Myers, Post 65 – Scott Schley
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/1033 SEASAGE DRIVE:** Approve a request to defer the installation of a sidewalk along Seasage Drive and Poinsettia Road for 1033 Seasage Drive.
 - B. **MEMORANDUM OF UNDERSTANDING/UNITED STATES MARSHALS SERVICE/DISTRICT FUGITIVE TASK FORCE:** Approve a Memorandum of Understanding with the United States Marshals Service which establishes fugitive apprehension task forces under the Presidential Threat Protection Act for the purpose of locating and detaining fugitives.

- C. **LETTER OF SUPPORT/JUSTICE ASSISTANCE GRANT (JAG) FUND:**
Approve the Mayor's submission of a letter in support of the Countywide Justice Assistance Grant funds (JAG) for FY 2008 to support the Drug Court Treatment Program.
- D. **ACCOUNT NUMBER CORRECTION/WAL-MART/CHILD PASSENGER SAFETY PROGRAM:** Approval of correction to the account number for the purchase award to Wal-Mart in the amount of \$29,989.20 for the purchase of 670 Evenflo Discovery Infant Car Seats for the Child Passenger Safety Program. Funding is available from 001-2317-522-52.20 (General Fund/Fire Safety/General Operating Supplies).
- E. **REQUEST FOR FUNDING/COMMUNITY NEIGHBORHOOD HELPING, INC.:** Approve a request from Community Neighborhood Helping, Inc. to provide \$12,500.00 in seed money, which will be reimbursed to the City through Palm Beach County grants, for the Glory Awards 2008 to be held on August 29, 2008 at 6:30 p.m. to 10:00 p.m. at Old School Square.
- F. **SPECIAL EVENT REQUEST/31st ANNUAL ROOTS CULTURAL FESTIVAL/YOUTH AND ADULT BASKETBALL TOURNAMENTS:**
Approve a special event request from the Roots Cultural Festival, Inc. for a Youth Basketball Tournament proposed to be held from 7:00 p.m. – 10:00 p.m. on July 18, 2008, 8:00 a.m. – 8:00 p.m. on July 19, 2008 and 9:00 a.m. – 4:00 p.m. on July 20, 2008 and the Adult Basketball Tournament proposed to be held from 7:00 p.m. – 11:00 p.m. on August 1, 2008, 9:00 a.m. – 10:00 p.m. on August 2, 2008 and from 10:00 a.m. – 8:00 p.m. on August 3, 2008; and authorize staff support for security for both tournaments, event signage which is to be installed no earlier than ten (10) days prior to the event, and waiver of facility rental fee for City facilities (Pompey Park Gym and the Community Center) for both tournaments; contingent upon sponsor providing a liability insurance certificate and a hold harmless agreement at least one week prior to each tournament.
- G. **SPECIAL EVENT REQUEST/3RD ANNUAL WALK FOR LUPUS NOW:**
Approve a special event request to endorse the Walk for Lupus Now sponsored by the Lupus Foundation of America South East Chapter proposed to be held on October 4, 2008 from 8:00 a.m. until 1:00 p.m., with site set up to begin at 6:00 a.m., including granting a temporary use permit per the LDR Section 2.4.6(F) for the use of Anchor Park as a staging area and the use of sidewalks along A-1-A from Casurina to the north end of the beach, to waive parking fees in Anchor Park; and authorize staff support for security and traffic control, barricading, clean up and trash removal, use/set up of the small stage, and special event signage; contingent on sponsor providing a hold harmless agreement and a certificate of event liability insurance no later than two (2) weeks before the event; the event sponsor being responsible for site clean up; and signage installation occurring no earlier than ten (10) days prior to the event with banners allowed only on the stage and in Anchor Park.

H. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period June 16, 2008 through June 27, 2008.

I. **AWARD OF BIDS AND CONTRACTS:**

1. Bid award to Green Construction Technologies, Inc. in the amount of \$168,586.00 for the construction of the 2008 Swale Improvement Project. Funding is available from 448-5461-538-65.41 (Stormwater Utility Fund/Other Improvements/Swale Reconstruction).
2. Contract award to Statewide Enterprise, Inc. in the amount of \$15,022.00 for security services at Pompey Park. Funding is available from 001-4127-572-31.90 (General Fund/Professional Services/Other Professional Services).
3. Contract award to ConServ Building Services in the amount of \$35,998.00 for City Hall HVAC control systems upgrade. Funding is available from 334-6112-519-46.10 (General Construction Fund/Building Maintenance).
4. Lease award to Mears Motor Leasing for 36 months in the total amount of \$75,057.84 for the lease of nine (9) vehicles for the Police Department's Volunteer Program through the Florida Sheriffs Association's Municipal Lease Program. Funding is available from 001-2111-521-44.40 (General Fund/Vehicles).
5. Purchase award to Line-Tec, Inc. in an estimated amount of \$20,000.00 for the replacement of defective radio read transponders and meters via the City of Boynton Beach Bid #027-2821-07/JA, and for replacement of registers. Funding is available from 442-5178-536-52.31 (Water/Sewer Renewal & Replacement Fund/Water Meter Replacement Under \$750).
6. Purchase award to Wesco Turf Supply, Inc. in the amount of \$16,013.30 for one (1) Toro Groundsmaster 7200 Heavy Duty Zero Turn Mower Model # 30361, per Florida State Contract #515-630-06-1. Funding is available from 001-4131-572-64.90 (General Fund/Machinery/Other Machinery/Equipment).

9. **REGULAR AGENDA:**

A. **REQUEST FOR IN-LIEU PARKING SPACES/SHORE RESTAURANT:**
Consider a request from Shore Restaurant for the purchase of four (4) in-lieu parking spaces in the amount of \$72,800.00. Shore Restaurant is located at 6 South Ocean Boulevard. (*Quasi-Judicial Hearing*) (Motion to adopt Board Order as presented; Approved, 5-0)

B. **AMENDMENT NO. 3 TO THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT/WASTE MANAGEMENT:**
Consider approval of Amendment No. 3 to the Solid Waste and Recycling Collection Franchise Agreement to extend the agreement another five (5) years effective October 1, 2008 through September 30, 2013. (Motion to approve Amendment No. 3 per staff recommendations; Approved, 5-0)

- C. **RESOLUTION NO. 23-08:** Consider approval of Resolution No. 23-08 amending Resolution No. 63-07 which created a Budget Task Force in order to provide an extension of time to July 31, 2009. (Approved, 5-0)
- D. **BID AWARD/HUFCOR FLORIDA GROUP/POMPEY PARK BLEACHER REPLACEMENT:** Consider approval of a bid award to Hufcor Florida Group low bidder for bleacher replacement, in the amount of \$67,530.00 for the bleachers at Pompey Park. Funding is available from 334-4127-572-46.15 (General Construction Fund/Repair & Maintenance Services/Improvement-Other Repair & Maintenance). (Motion to approve the bid award to Hufcor Florida Group; Approved, 5-0)
- E. **RJ HEISENBOTTLE ARCHITECTS/CONSULTANT TO RESURVEY FOUR (4) DESIGNATED HISTORIC DISTRICTS:** Consider approval of an agreement with RJ Heisenbottle Architects to conduct the resurvey of four (4) designated historic districts: Del-Ida Park, Nassau Park, Old School Square, and West Settlers Historic Districts in the proposed amount of \$34,660.00. Funding is available from 001-2511-515-31.90 (General Fund/Other Professional Services). (Motion to approve a contract with RJ Heisenbottle Architects, Inc.; Approved, 5-0)
- F. **RESOLUTION NO. 24-08/BUDGET AMENDMENT:** Consider approval of Resolution No. 24-08 amending Resolution No. 55-07 adopted September 18, 2007, and Resolution No. 16-08 adopted May 6, 2008 which made appropriations for necessary expenditures of the City for the FY 2007/2008, by setting forth the anticipated revenues and expenditures for the operating funds of the City for the fiscal year 2007/2008. (Approved, 5-0)
- G. **CONTRACT/PREFERRED SEATING, INC.:** Provide direction regarding the failure of Preferred Seating, Inc. to comply with the terms of the purchase order related to the installation of bleacher seats for the tennis stadium. (PULLED)
- H. **AMENDMENT NO. 1 TO AGREEMENT/ATC INTERNATIONAL, INC.:** Consider approval of an amendment to the agreement between the City and ATC International, Inc. for an extension of the completion date and an increase in cost for the construction and installation of eleven (11) retractable towers at various points throughout the City. Funding is available from 551-1575-591-45.50 (Business Insurance Fund/Property Claims). (Motion to approve Amendment No. 1 per staff recommendations; Approved, 5-0)
- I. **APPOINTMENT TO THE COMMUNITY REDEVELOPMENT AGENCY:** Appoint one (1) regular member to the Community Redevelopment Agency (CRA) to serve a four (4) year term ending July 1, 2012. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). (Appointed William Branning and approved, 5-0)

- J. **APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:** Appointment one (1) regular member to the Delray Beach Housing Authority to serve a four (4) year term ending July 14, 2012. Based on the rotation system, the recommendation/appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Joseph Bernadel and approved, 5-0)
- K. **APPOINTMENT TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board to serve an unexpired term ending December 13, 2008. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Samuel Menard and approved, 5-0)
- L. **APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY:** Appoint four (4) regular members to the Downtown Development Authority (DDA) to serve three (3) year terms ending July 1, 2011. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2), Commissioner McDuffie (Seat #3), Commissioner Montague (Seat #4) and Mayor Ellis (Seat #5). (Appointed Michael Listick and approved, 5-0; appointed Harold Van Arnem and approved, 5-0; and appointed Nancy Stewart and approved, 5-0; and Appointed David Beale and approved, 5-0)
- M. **APPOINTMENTS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE:** Appoint two (2) regular members to the Affordable Housing Advisory Committee to serve two (2) year terms ending June 17, 2010. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1). (Appointed Evelyn Dobson and approved, 5-0; and appointed Gerald Crocilla and approved, 5-0)
- N. **APPOINTMENT TO THE GREEN TASK FORCE:** Appoint one (1) regular member to the Green Task Force to serve an unexpired term ending August 27, 2008. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5). (Appointed Sarah Martin and approved, 5-0)
- O. **STATUS REPORT AND DIRECTION/OLD SCHOOL SQUARE GARAGE RETAIL SPACE:** Consider a status report and provide direction regarding a draft Purchase and Sale Agreement for the Old School Square Garage Retail Space. ***(ADDENDUM)*** (Consensus of the Commission to have the City Attorney continue and bring back a status report at the July 15, 2008 Regular Meeting)
10. **PUBLIC HEARINGS:**
- A. NONE.
11. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PUBLIC HEARINGS.**
- A. City Manager's response to prior public comments and inquiries.
- B. From the Public.

12. **FIRST READINGS:**

- A. **ORDINANCE NO. 28-08:** Privately initiated amendments to the Land Development Regulations (LDR), by amending Section 2.2.6(D), “Duties, Powers, And Responsibilities”; Section 4.5.1(J), “Historic Preservation Board To Act On Variance Requests”, to provide that appeals of decisions of the Historic Preservation Board regarding variances shall be to the City Commission. If passed, a public hearing will be scheduled for July 15, 2008. (Approved, 5-0)

13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**

- A. City Manager
B. City Attorney
C. City Commission

POSTED: JUNE 27, 2008

******* Meeting adjourned at 8.16 p.m. *******